



FISCAL MEMORANDUM

SB 2153 - HB 2316

March 8, 2022

SUMMARY OF BILL AS AMENDED (014924): Prohibits students of male sex from participating in certain intercollegiate or intramural athletic teams or sports that are designated for females. Creates a private cause of action for violations that deprive a student of an athletic opportunity or causes direct or indirect harm to students attending a public school or public charter school. Establishes certain prohibitions for government entities, accrediting organization, and athletic associations at it relates to this section.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – Legal action taken against a state or local government may result in civil penalties, fines, and other remedies. However, due to multiple unknown variables a precise fiscal impact, if any, to state and local government cannot be precisely determined.

The proposed legislation may jeopardize federal funding if found in violation of federal law.

Assumptions for the bill as amended:

- The proposed legislation creates legal liability for public schools and charter schools, the Department of Education (DOE), the Achievement School District, and each of the State Special Schools for violations of this section.
- In the event that student or student's parent takes private action against a state or local school for violations that deprive a student of an athletic opportunity or causes direct or indirect harm, a loss in funds may result due to injunctive relief, damages, and other legal remedies. However, due to multiple unknown variables a precise fiscal impact to state and local government cannot be precisely determined.
- As a condition of receipt of federal funds, DOE and each local education agency (LEA) must sign assurances that they will comply with federal civil rights law, such as Title IX.
- In FY21-22, Tennessee received \$1,209,826,059 in federal awards, and to date, has received \$4,175,422,434 in federal relief funding (including Elementary and Secondary School Emergency Relief Fund (ESSER), Governor's Emergency Education Relief Fund (GEER), and Emergency Assistance to Non-Public Schools (EANS)).
- If DOE is found to be in violation of federal civil rights laws, up to \$5,385,248,493 in federal funding (\$1,209,826,059 federal awards + \$4,175,422,434 federal relief funding) could be jeopardized.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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